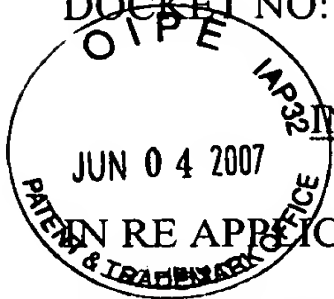


DOCKET NO: 5244-0104-2X



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TETSURO MOTOYAMA, ET AL.

SERIAL NO: 09/440,692

FILED: NOVEMBER 16, 1999

FOR: REMOTE SYSTEM USAGE
MONITORING WITH FLEXIBLE
ENCODING AND DECODING OBJECTS

:

: EXAMINER: ZIA, SYED

:

: GROUP ART UNIT: 2131

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REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In reply to the Examiner's Answer of October 4, 2006, applicants provide the following comments.

First, applicants note a revised Appeal Brief was filed on this application on November 21, 2006. That revised Appeal Brief clarified the "Summary of the Claimed Subject Matter" section and clarifies certain of the headings in the arguments.

The filed Examiner's Answer clarifies the positions as to why the rejections are being maintained, but those positions are clearly improper in the following respects.

INDEPENDENT CLAIMS 1, 9, 17, AND 25

Independent claim 1 is representative of the above-independent claims and recites "a device comprising an interface, the interface comprising a plurality of operations to be selected by a user" and "a monitoring device configured to monitor data of selecting of the

plurality of operations of the interface by the user, and to encode and store the monitored data into a log file in the device". Thus, in the claims an interface includes operations selected by a user, and how the user selects the operations is monitored to generate monitored data. That is, the monitored data directly corresponds to the operations selected by the user on an interface.

No interpretation in the applied art meets the above limitations.

The outstanding rejection relies on Frantz disclosing an interface device 10, a monitoring device 30-31, and the plurality of operations to be the "activation criteria" noted in Frantz.¹

Therefore, for Frantz to meet the above-noted claim limitations Frantz would have to disclose the monitoring device 30-31 monitoring which activation criteria is selected by a user and storing a log of that activation criteria. Frantz provides no indication that which activation criteria is being selected is monitored and logged. The activation criteria instead indicates what other information should be monitored and logged (see Frantz at column 5, lines 3-13).

The above-noted difference between the claims and Frantz results from a fundamental difference in the device of the Frantz versus the claimed device.

The claims are directed to monitoring which selections the user makes on an operation panel, for example which buttons the user selects on an operation panel of a copy machine. Frantz is not directed to any similar device.

For such further reasons beyond those already presented in the Examiner's Appeal Brief the independent claims are believed to clearly distinguish over the applied art.

¹ Examiner's Answer, the paragraph bridging pages 7-8.

DEPENDENT CLAIMS 3, 4, 11, 12, 19, 20, 27, AND 28

The rejection of the above-noted claims relies on Frantz in view of Motoyama being combined to disclose the device having the interface to be an image forming device or an appliance. However, applicants submit that basis for the outstanding rejection is improper in that there is no suggestion to one of ordinary skill in the art that such combined teachings would meet the claim limitation.

The claims are directed to monitoring which operations on an image forming device or an appliance are selected by a user. Neither Frantz nor Motoyama disclose or suggest such an operation.

Simply stated, it is only the applicants of the present invention who have even addressed monitoring what buttons on an image forming device or an appliance a user selects. Thus, the above-noted claims are believed to further distinguish over the applied art.

DEPENDENT CLAIMS 5, 13, 21, AND 29

No statement for the rejection of claims 5, 13, 21, and 29 even addresses the limitations recited therein. Specifically, those claims further recite "the communication device sends the log of the monitored data when the user exits the target application". The comments in the Examiner's Answer do not address that claimed feature. The discussion in the Examiner's Answer to Frantz and Reed disclosing an interface functionality does not address that claim language.

For such reasons, claims 5, 13, 21, and 29 even further distinguish over the applied art.

DEPENDENT CLAIMS 6, 14, 22, AND 30

The above-noted claims further recite "a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log filed the monitored data".

With respect to the above-noted claims the Examiner's Answer cites Frantz to disclose sending a log of the monitored data when a user exits the device at column 4, lines 32-52.² That statement is not at all clear as it appears to be directed to the features discussed above in claims 5, 13, 21, and 29.

Moreover, in reply applicants note at column 4, lines 32-42 Frantz merely discloses converting email from a technician into data usable by the equipment. That disclosure in Frantz does not at any point state that a log of monitored data sent when a user exits a device.

Simply stated, the outstanding rejection has not addressed or pointed to any disclosure in any reference that meets the limitation of "a setting unit configured to set a number of sessions of the target application to be executed by the user prior to the communicating device communicating the log filed the monitored data". Thus, dependent claims 6, 14, 22, and 30 further distinguish over the applied art.

DEPENDENT CLAIMS 7, 15, 23, AND 31

The rejection to the above-noted claims relies on Reed to disclose the features recited therein, particularly noting that Reed uses a standard object-oriented notational format to illustrate an embodiment of object classes in a single data base 100, noting Figure 3 in Reed.³

In reply applicants note that disclosure in Reed is not at all directed to any of the claimed features. Reed simply does not disclose or suggest that the objects are defined as

² Examiner's Answer middle of page 12.

³ Examiner's Answer bottom of the middle paragraph on page 13.

abstract classes and such that derived classes including coding and decoding algorithms. No portion in Reed has even been cited with respect to such features. Thus, claims 7, 15, 23, and 31 are believed to even further distinguish over the applied art.

Applicants note that in view of the further presented comments, presented in addition to the comments in the revised Appeal Brief filed November 21, 2006, the claims as written clearly distinguish over the applied art and the outstanding rejections must be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 03/06)

Surinder Sachar
Registration No. 34,423

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